

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAY MILLS INDIAN COMMUNITY,
Plaintiff,

Case No. 1:11-cv-00729-PLM

v

Hon. Paul L. Maloney

RICK SNYDER,
Defendant.

/

**BRIEF IN SUPPORT OF GOVERNOR RICK SNYDER'S MOTION TO STAY
PROCEEDINGS**

Governor Rick Snyder, through his attorneys, seeks to stay the instant action. Proceeding in this case pursuant to the Case Management Order entered on November 11, 2011 (ECF No. 11) may effectively nullify the stay previously entered by this Court in *State of Michigan, et al. v. Bay Mills Indian Community, et al.*, Case Nos. 1:10-cv-1273-PLM and 1:10-cv-1278-PLM (ECF No. 157).

ARGUMENT

This case and *State of Michigan, et al. v. Bay Mills Indian Community, et al.*, W.D. MI Case No. 1:10-cv-1273-PLM, both stem from the purchase of property by the Bay Mills Indian Community ("Bay Mills") in Vanderbilt, Michigan, and Bay Mills' licensing and operation of a Class III gaming facility on that property. *State of Michigan, et al.* was identified as a related case by Bay Mills when the case was filed, and this status was acknowledged by Magistrate Judge Scoville in

assigning the case pursuant to W.D. MI LCivR 3.3.1(d)(iii) (ECF No. 2), noting that this case “arises out of the same transaction or occurrence and involves one or more of the same parties as a pending suit.” W.D. MI LCivR 3.3.1(d)(iii)(A)(2).

There is no doubt that proceeding in this case to trial will involve some issues of fact and law which are also before this Court in *State of Michigan, et al.*, not least of which are the ultimate questions of whether the State of Michigan has jurisdiction over Bay Mill’s activities conducted on the Vanderbilt property, and whether such activities on the property are consistent with the Indian Gaming Regulatory Act (25 U.S.C. §2701, *et seq.*) and with the terms of the Tribal-State Gaming Compact between Bay Mills and the State. Under these circumstances, proceeding pursuant to the Case Management Order to resolve the issues could thwart the purpose for the stay entered in *State of Michigan, et al.*, and render it meaningless.

In order to protect the interests of all parties – both in this case and in *State of Michigan, et al.*, the State respectfully requests that a stay of proceedings in this case be issued upon the same terms and conditions as was done in this Court’s Order Staying Case (ECF No. 157). Bay Mills does not oppose this motion.

RELIEF REQUESTED

Governor Rick Snyder respectfully requests this Court to enter an order staying further proceedings in this case upon the same terms as the stay entered in *State of Michigan, et al. v. Bay Mills Indian Community, et al.*

Respectfully submitted,

Bill Schuette
Attorney General

/s/ Louis B. Reinwasser

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LF/2010/BMIC-Snyder/Brief – In Support of Motion to Stay - Final.doc

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2012, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notifications of such filing to counsel of record. I hereby certify that I have mailed by United States Postal Service the same to any non-ECF participants.

/s/ Louis B. Reinwasser

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